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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,238	10/31/2003	Kazuo Okada	SHO-0046	9021
23353 7590 07/05/2007 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,238

Applicant(s)

OKADA ET AL.

Examiner

Ryan Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/16/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 4/19/07. Claims 8-13 have been newly added and claims 1 and 3-13 are pending in the current application.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 3-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/697,027. Although the conflicting claims are not identical, they are not patentably distinct from each other because although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed towards a gaming machine that comprises a variable display device that displays designs or symbols. Additionally, they include a front electric display which consist from a group of at least a liquid crystal display panel or

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series of light emitting diodes. This display uses a light guiding plate to create an illuminating effect for the display device so that a gaming machine can produce several different array of symbols and designs that compliment the basic reel display device commonly found in game machines. The two sets of claims have simply been rearranged so that they are claimed in different orders and are directed towards the same device except one uses a light emitting diode and the other a liquid crystal display. However, these are different forms of lighting display devices and perform the same function therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either type of lighting device to perform the same functions as described in the claims. Therefore it would be obvious that these two inventions are not patentably distinct but simply have used alternative synonyms and language structure to detail the same invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by

Takemoto et al. (US 5,472,195).

Regarding claim 1, Takemoto et al. discloses a gaming machine comprising: a variable display device for variably displaying symbols (*see display [2-3] of Fig. 3 and the related*

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description thereof) and an electric display device disposed in front of the variable display device and having a light transparent area which shows symbols displayed on the variable display device from outside of the game machine (*see Fig. 3 and the related description thereof*).

Additionally, Takemoto discloses that the electric display device includes an electric display panel displaying an image, a light guiding plate having an opposing pair of flat surfaces and a plurality of contiguous side faces extending there between and peripherally about the pair of flat surfaces, the light guiding plate operative for guiding light entered from at least one side face thereof to a back face of the electric display panel so as to irradiate the light (*see col. 8: ln 15-62, Figs. 3, 5, and 9 and the respective related description thereof*). Furthermore, Takemoto's gaming machine discloses an illumination device illuminating the electric display panel from there behind, the illumination device including a plurality of light emitting diodes aligned continuously along and adjacent to the at least one side face of the light guiding plate (*see Fig. 3 and 5-6 and the related description thereof*).

Regarding claim 11, Takemoto discloses a gaming machine wherein the electric display device displays the image in accordance with the progress of a game which is executed in the gaming machine and the light emitting diodes are controlled in accordance with the progress of the game which is executed in the gaming machine (*see col. 9: ln 35-col. 10: ln 13*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al. as applied to claims above, and further in view of Loose et al. (GB EP 1,260,928).

Regarding claims 3-4 and 8, Takemoto et al. teaches a gaming machine comprising: a variable display device for variably displaying symbols (*see display [2-3] of Fig. 3 and the related description thereof*) and an electric display device disposed in front of the variable display device and having a light transparent area which shows symbols displayed on the variable display device from outside of the game machine. Additionally, Takemoto teaches that the electric display device includes an electric display panel displaying an image (*see col. 2: ln 56-col. 3: ln 45*), a diffusion sheet (*see col. 2: ln 4-47*), a light guiding plate having an opposing pair of flat surfaces and a plurality of contiguous side faces extending there between and peripherally about the pair of flat surfaces, the light guiding plate operative for guiding light entered from at least one side face thereof to a back face of the electric display panel so as to irradiate the light (*see col. 2: ln 4-47 and Fig. 3 and 5 and the respective related description thereof*). Furthermore, Takemoto's gaming machine teaches an illumination device illuminating the electric display panel from there behind, the illumination device including a plurality of light emitting diodes aligned continuously along and adjacent to the at least one side face of the light guiding plate (*see col. 6: ln 25-67, col. 7: ln 60-col. 8: ln 40*). Takemoto also teaches a diffusion sheet being disposed between the electric display panel and the illumination device (*see Fig. 5 and the related description thereof*). However, Takemoto is silent with respect to a reflection

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plate disposed between a variable display device and the light guiding plate for reflecting light emitted from the emitting diodes on the light guide plate to the electric display panel.

In an analogous gaming patent, Loose et al. teaches the implementation of an electric display device in front of a variable display device. Loose teaches the use of a transmissive video display so that it can allow a user to view the video image without interfering with the variable display device behind it (*see paragraph [0020]*). Loose also teaches the implementation of a light guiding plate that allows for reflecting light emitted from the display to the electric display panel (*see display [18] and mirror [20] of Figs 2(a-b) and the related description thereof*). One would be motivated to incorporate this type of setup with two display devices in order to creating a more stimulating and interactive experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Loose with the game system of Takemoto in order to create a game machine that incorporated a game machine that incorporated a variable display device and an electric display device with one another.

Regarding claim 5, Takemoto et al. teaches a gaming machine that comprises a diffusion sheet, wherein the plurality of light emitting diodes oppose a back face of the diffusion sheet (*see light emitting layer [34] col. 6: ln 40-67, col. 10: ln 30-52*).

Regarding claim 6, Takemoto teaches a gaming machine that comprises a diffusion sheet, wherein the diffusion sheet is disposed between the electric display panel and the illumination device (*see Fig. 3, 5, and 6 and the related description thereof*).

Regarding claim 7, Takemoto teaches a gaming machine that comprises a diffusion sheet, wherein the plurality of light emitting diodes oppose a back face of the diffusion sheet and the

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diffusion sheet is disposed between the electric display panel and the illumination device (*see Fig. 3, 5, and 6 and the respective related description thereof*).

Regarding claim 9, Takemoto teaches a gaming machine wherein the diffusion sheet is disposed between the electric display device and the variable display device and the illumination device is disposed between the electric display device and the variable display device.

Regarding claim 10, Takemoto teaches a gaming machine wherein the guiding plate is disposed between the electric display devices (*see Figs. 3 and 5 and the respective related descriptions thereof*).

Regarding claims 12-13, Takemoto teaches a gaming machine wherein the electric display device displays the image in accordance with the progress of a game which is executed in the gaming machine and the light emitting diodes are controlled in accordance with the progress of the game which is executed in the gaming machine (*see col. 9: ln 35-col. 10: ln 13*).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

June 21, 2007

/Scott Jones/

Primary Examiner, Art Unit 3714